**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.R.No.4166 of 2006**

**Date of decision : 10.10.2006.**

Thakar Singh.

.....Petitioner.

Versus

Jaspal Singh.

.....Respondent.

**CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA**

Present : Mr. B.S.Bhalla,Advocate
for the petitioner.

Mr. M.S. Lobana,Advocate
for the respondent.

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**VINOD K. SHARMA,J.( ORAL )**

The present revision petition has been filed against the order dated 2.5.2006 passed by the learned Civil Judge (Jr.Divn.),Moga closing the evidence of the petitioner on the ground that petitioner has already availed number of opportunities.

The learned counsel for the petitioner contends that he has to examine DW Balour Singh only, who was in fact present on 14.1.2005 and was bound down for 11.3.2005. On the said date, his examination-in-chief was conducted, however, cross-examination was deferred on the request of the counsel for the plaintiff-respondent. The said DW was bound down for 19.4.2005 for cross-examination. It seems that in between some application was moved for reframing of issues and accordingly the case was adjourned

for said purpose. It was on account of that DW Balour Singh did not appear thereafter. The learned counsel for the petitioner contend that on earlier occasion DW Balour Singh was summoned through the court, therefore, assistance of the court would be required for his summoning.

Keeping in view the facts stated above, it would be in the interest of justice, if the petitioner is granted one last opportunity for cross-examination of DW Balour Singh. The petitioner would be further at liberty to summon DW Balour Singh with the assistance of the Court. However, this shall be subject to payment of Rs. 5000/- as costs.

This revision petition stands disposed of.

October 10,2006 **( VINOD K. SHARMA )**
'sp' **JUDGE**